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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2010-283**

13 **FREDA CHIEKO STRAUSS**

P.O. Box 7

14 Point Reyes Station, California 94956

ACCUSATION

15 **Registered Nurse License No. 641937**

Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
21 of Consumer Affairs.

22 2. On or about July 30, 2004, the Board of Registered Nursing issued Registered Nurse
23 License Number 641937 to Freda Chieko Strauss (Respondent). The Registered Nurse License
24 was in full force and effect at all times relevant to the charges brought herein and will expire on
25 September 30, 2011, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

6. Section 2761 of the Code states, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct

. . . .

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof. . . ."

7. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

8. Title 16, California Code of Regulations, section 1444, states, in pertinent part:

"A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or

1 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
2 safety, or welfare. . . .”

3 9. Section 2762 of the Code states, in pertinent part:

4 “In addition to other acts constituting unprofessional conduct within the meaning of this
5 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
6 chapter to do any of the following:

7 “(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed
8 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or
9 administer to another, any controlled substance as defined in Division 10 (commencing with
10 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
11 defined in Section 4022.

12

13 “(c) Be convicted of a criminal offense involving the prescription, consumption, or
14 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
15 or the possession of, or falsification of a record pertaining to, the substances described in
16 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
17 thereof. . . .”

18 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
19 administrative law judge to direct a licensee found to have committed a violation or violations of
20 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
21 enforcement of the case.

22 DRUGS

23 11. Oxycodone is a Schedule II controlled substance, as designated by Health and Safety
24 Code section 11055(b)(1)(N), and a dangerous drug pursuant to Business and Professions Code
25 section 4022 in that it can be lawfully dispensed only by prescription.

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3. Taking such other and further action as deemed necessary and proper.

DATED:

12/7/09

Louise R. Bailey

LOUISE R. BAILEY, M.ED., RN

Interim Executive Officer

Board of Registered Nursing

Department of Consumer Affairs

State of California

Complainant

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